

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GWF Power Systems, L.P., and Hanford L.P.,

Complainants,

vs.

Pacific Gas and Electric Company,

Defendant.

Case 04-05-035
(Filed May 19, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING PREHEARING
CONFERENCE (PHC) AND CALLING FOR PHC STATEMENTS**

On May 19, 2004, GWF Power Systems, L.P. and Hanford L.P. (together GWF) filed this complaint against Pacific Gas and Electric Company (PG&E) concerning a dispute GWF has with PG&E regarding the sale of incremental energy by GWF to PG&E. PG&E has not yet responded to the complaint.

This ruling sets a PHC and calls for PHC statements to be filed prior thereto.

PHC

This ruling sets a PHC for Wednesday, July 7, 2004, commencing at 10:00 a.m., in the Commission's Courtroom, 505 Van Ness Avenue, San Francisco, California 94012. A PHC is called to determine the parties, positions of the parties, issues, and other procedural matters.

PHC Statements

Parties shall file PHC statements no later than Tuesday, June 29, 2004. The PHC statements should address (a) the need for hearing (*i.e.* state whether hearings are necessary and if so, list the material issues of disputed fact in dispute which require an evidentiary hearing. Can the parties stipulate to some or all of these facts?); (b) the issues to be considered; (c) the proposed schedule for the proceeding in order for the Commission to resolve this proceeding within 12 months of its initiation (*see* Pub. Util. Code § 1701.2(d)); other procedural issues necessary for a prompt resolution of this proceeding.¹

Other Procedural Matters

Parties are advised that they should not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ-164.

IT IS RULED that:

1. The Commission has set a prehearing conference (PHC) in the above-captioned matter for Wednesday, July 7, 2004, commencing at 10:00 a.m., in the Commission's Courtroom, 505 Van Ness Avenue, San Francisco, California 94012.
2. Parties shall file PHC statements no later than Tuesday, June 29, 2004 on the issues set forth in this ruling. A temporary service list is attached to this ruling. The parties should also serve the counsel for PG&E who file a response

¹ Complainants have addressed some of these issues in the complaint, but may elaborate upon them if they wish. PG&E has not yet responded to the complaint, and therefore has not addressed these issues.

to the complaint (this has not yet been filed.) Please also serve the undersigned with the PHC statements by same day email service at jjj@cpuc.ca.gov.

3. Parties should not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ-164.

Dated June 14, 2004, at San Francisco, California.

/s/Janet A. Econme
Janet A. Econome
Administrative Law Judge

Service Lists

***** APPEARANCES *****

Brian T. Cragg
Attorney At Law
GOODIN MACBRIDE SQUERI RITCHIE & DAY LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO CA 94111
(415) 392-7900
bcragg@gmsr.com
For: GWF Power Systems, L.P. and Hanford L.P.

Andrew L. Niven
Attorney At Law
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, SUITE 3109
SAN FRANCISCO CA 94105
(415) 973-6640
cpuccases@pge.com

***** STATE EMPLOYEE *****

Janet A. Econome
Administrative Law Judge Division
RM. 5113
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1494
jjj@cpuc.ca.gov

Maria E. Stevens
Executive Division
RM. 500
320 WEST 4TH STREET SUITE 500
Los Angeles CA 90013
(213) 576-7012
mer@cpuc.ca.gov

***** INFORMATION ONLY *****

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference (PHC) and Calling for PHC Statements on all parties of record in this proceeding or their attorneys of record.

Dated June 14, 2004, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.